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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,923

11/20/2006

Anthony Green

613-105

9813

23117 7590 02/25/2010  
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EXAMINER

SALVATORE, LYNDIA

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

02/25/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,923	<b>Applicant(s)</b> GREEN ET AL.	
	<b>Examiner</b> LYNDA M. SALVATORE	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-6,9-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-6,9-11 and 13-17 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment and accompanying remarks filed 11/23/09 have been fully considered and entered. Claims 1, 9 and 13-15 have been amended and claims 7-8 and 12 have been canceled as requested. Applicant's amendments are found sufficient to overcome the rejections set forth in sections 1-3 and 5-8 of the Office Action dated 6/24/09. Specifically the prior art of record fails to teach the claimed multiple water gel layers. As such, these rejections are hereby withdrawn. Claims 1, 3-6, 9-11 and 13-17 are found allowable for reasons set forth herein below.

### *Terminal Disclaimer*

2. The terminal disclaimer filed on 12/30/09 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10/580402 has been reviewed and is found to be **unacceptable**. Specifically, Commonly owned is needed after the enforceable clause the words "legal title" do not include common ownership as to equitable title, see 37 CFR 1.321 (c)(3).

3. It is also suggested to amend the claims as follows:

- a. Cancel Claim 2 as it is not considered further limiting
- b. rewrite claim 13 as follows:

A method for protecting an entity from the effects of fire  
comprising covering at least a part of said entity in a barrier comprising a water and

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gelatin, wherein the barrier comprises multiple water gelatin layers in which the concentration of the gelatin increases from the outside layer to the inner layer.

c. rewrite claim 15 as follows:

A fire-retardant material as claimed in claim 14, wherein said fire retardant material comprises in addition to the water gelatin layers, at least one layer of a metal, a polymer layer, a fabric, a fiberglass layer, a ceramic layer or a dilatant layer or mixtures of such layers.

d. rewrite claim 9 as follows:

A method as claimed in claim 1 wherein said barrier comprises in addition to the water gel layers, at least one layer of a metal, a polymer layer, a fabric layer, a fiberglass layer, a ceramic layer or dilatant layer or mixtures of such layers.

e. rewrite claim 16 as follows:

A fire-retardant material as claimed in claim 15, wherein said fire-retardant material comprises water gelatin layers and a cotton layer.

f. rewrite claim 17 as follows:

A fire-retardant material as claimed in claim 16, wherein said fire-retardant material further comprises a metal layer.

### ***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance: 3-6,9-11 and 13-17 are found allowable for reasons set forth herein below.

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With regard to independent claims 1, 13 and 14, there is no known prior art which teach or fairly suggest the limitation of wherein the barrier comprises multiple water gel or gelatin layers in which the concentration of the gel or gelatin increases from the outside layer to the inner layer. An updated art search did not produce any new substantial art for which to base a rejection and presently no motivation exists to combine references to form an obviousness type rejection.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYNDA M. SALVATORE whose telephone number is (571)272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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February 23, 2010

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/Lynda Salvatore/

Primary Examiner